

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Ithaca Ventures k.s. and Ithaca Development, LLC

Plaintiff

v.

Nintendo of America Inc. and Nintendo Co., Ltd

Defendant

Civil Action No. 13 - 824

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Nintendo of America Inc.
c/o their registered agent
The Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

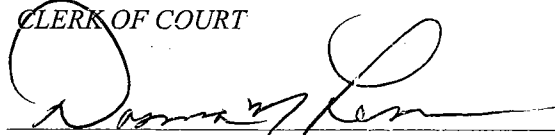
Kenneth L. Dorsney
MORRIS JAMES LLP
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

5/9/2013

CLERK OF COURT



Signature of Clerk or Deputy Clerk

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Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Nintendo of America Inc.
 was received by me on (date) 5-10-2013.

☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Melanie McGrath, who is
 designated by law to accept service of process on behalf of (name of organization) The Corporation Trust
Company, 1209 Orange St. Wilmington DE 19801 on (date) 5-10-13; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 5-10-13

Eric McLaughlin
 Server's signature

Eric McLaughlin
 Printed name and title

1001 N. Jefferson St
Wilmington, DE 19801
 Server's address

Additional information regarding attempted service, etc: